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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,039	09/21/2000	William J. Beyda	00P7906US	9089
7590 Siemens Corporation Intellectual Property Department 186 Wood Avenue South Iselin, NJ 08830			EXAMINER REFAI, RAMSEY	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 01/26/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM J. BEYDA

Application 09/668,039
Technology Center 3600

Mailed: January 26, 2009

Before PAMELA S. BENNETT, *Review Team Paralegal*.

BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on September 22, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

INFORMATION DISCLOSURE STATEMENT

Appellant filed an Information Disclosure Statement (IDS) dated November 9, 2004. It is noted that a Notice Under 37 CFR 1.251 was mailed on May 19, 2005 which stated that “[t]he references listed on the Information Disclosure Statement dated 11/09/04” could not be located after a reasonable search. It was also requested that appellant “provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant’s record of such paper(s).” In response, appellant filed a paper on June 17, 2005 which “provides herewith copies of the references cited in the Information Disclosure Statement mailed on April 21, 2003 (and a copy of the IDS submitted therewith).” Unfortunately, copies of the references still do not appear in the application. Hence, there is no indication on the record that the Examiner has considered the November 9, 2004 IDS. MPEP § 609 requires the Examiner to consider any IDS filed by Appellant if timely submitted. A written communication notifying Appellant of the Examiner’s consideration of the above IDS is required.

CONCLUSION

Accordingly, it is **ORDERED** that the application be returned to the Examiner:

- 1) for acknowledgement and consideration of the IDS filed November 9, 2004; and
- 2) for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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